

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE:

APPLICATION OF JOSEPH BENKEL, ADV. FOR
THE ASSETS OF THE BANKRUPT, MR. ELIEZER
FISHMAN I.D. NO. 030302657 FOR AN ORDER TO
TAKE DISCOVERY PURSUANT TO 28 U.S.C. §
1782

Applicant

Case No. 1:20-mc-00248

**APPLICATION OF JOSEPH BENKEL, ADV. (the “Trustee”) FOR THE ASSETS OF
THE BANKRUPT, MR. ELIEZER FISHMAN I.D. NO. 030302657 FOR AN ORDER
TO TAKE DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

TROUTMAN PEPPER
875 Third Avenue
New York, New York 10022
Tel.: +1 212 704-6000
Attorneys for Applicant

Based on the accompanying Memorandum of Law and the Declarations of Joseph Benkel and Aurora Cassirer, Joseph Benkel, Trustee for the Assets of the Bankrupt Mr. Eliezer Fishman, I.D. No. 030302657 respectfully petitions this Court for an order pursuant to 28 U.S.C. § 1782 ("Section 1782") authorizing him to take discovery from Levy Holm Pellegrino & Drath, LLP (the "Respondents" or "the Law Firm"), for use in foreign proceedings in Israel.

For the reasons set forth in the Memorandum, this Section 1782 Application should be granted. First, it meets the statutory requirements for a Section 1782 application because Respondents are each "found" in this District and the discovery sought is "for use" in foreign proceedings in which Applicant is an "interested person." Second, the discretionary factors that apply in determining whether to grant an application, as articulated by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, all favor granting this Section 1782 Application.

Accordingly, and for the reasons described in the Memorandum of Law, Applicant respectfully requests that the Court issue the attached Proposed Order, which will grant them permission to serve the Law Firm with subpoenas substantially in the form of those attached to the Declaration of Aurora Cassirer, Esq. as Exhibit A and B.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Dated: July 2, 2020

Respectfully submitted,

s/ Aurora Cassirer

Aurora Cassirer
TROUTMAN PEPPER HAMILTON &
SANDERS LLP
875 Third Avenue
New York, NY 10017
Tel.: +212 704-6000
Aurora.cassirer@troutman.com

*Attorneys for Joseph Benkel, Adv.
For the Assets of the Bankrupt
Mr. Eliezer Fishman No. 030302657*

Petitioner is directed to serve a copy of the petition and exhibits on respondent by Monday, July 13, 2020. Respondent's opposition is due by July 28, 2020. Petitioner's reply is due by August 4, 2020. SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER 7/9/2020
United States District Judge